

**DOCKET FOR REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 20, 2001 AT 10:00 A.M.
TABLE OF CONTENTS**

SPECIAL ORDERS OF BUSINESS	3
ITEM-30: Approval of Council Minutes.	3
ITEM-31: Zenola Maxie Day.	4
ADOPTION AGENDA, CONSENT ITEMS	
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION	5
* ITEM-50: Hidden Trails Rezoning.	5
* ITEM-51: McMillin Torrey Highlands Rezoning.	5
ADOPTION AGENDA, CONSENT ITEMS	
RESOLUTIONS	6
* ITEM-100 Approving the Revised Plans and Specifications and Inviting Bids for Friars Road/Mission Center Road Corridor Improvements.	6
* ITEM-101: <u>Two</u> actions related to the Final Map of Del Mar View	8
* ITEM-102: Couples San Diego Day	9
* ITEM-103: San Diego Museum of Art 75 th Anniversary Day.	9
* ITEM-104: San Diego Wildfire Day.	10
* ITEM-105: Presidio Park, El Charro Sculpture Restoration-Grant Application.	10
* ITEM-106: Seeking Authorization for \$25,000 SANDAG Transportation-Oriented Development Planning Funds.	11
* ITEM-107: Amending the FY 2001 Capital Improvement Program Budget.	12
* ITEM-108: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.	14
ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS	
RESOLUTIONS	14

ITEM-200:	Time Limit Parking on Point Loma Avenue.	14
ITEM-201:	Amending FY 2001 Capital Improvements Program Budget - Capehart Open Space Park Improvements.	15
ITEM-202:	Funding for Third Amendment to Sverdrup Civil, Inc. Agreement for Services to East Village Infrastructure.	16
ITEM-203:	Fourth Amendment to the Agreement with Sverdrup Civil, Inc., for Phase II of Centre City Sewer Improvements.	18
ITEM-204:	Ratification, Validation, or Readoption of Resolution R-292440 related to the Disposition and Development Agreement Regarding the Proposed Westin Hotel.	19

PUBLIC NOTICES:

Item is listed under Public Notice as a matter of public record only. This item does not require Council action.	20
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ITEM-250:	Settlement of the Claim of Taylor Ball.	20
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ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS	21
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ITEM-330:	Kasai Mondeck Property.	21
-----------	------------------------------	----

ITEM-331:	Barczewski Property.	24
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ITEM-332:	<u>Two</u> actions related to Proposed Conditional Use Permit CUP-40-0925 - Palm Village.	26
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**DOCKET FOR REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 20, 2001 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

NOTE: Due to the holiday in honor of Presidents Day, the meeting of Monday, February 19, 2001 will be held in conjunction with the regularly scheduled meeting of Tuesday, February 20, 2001.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 236-6233.

A Special Joint Meeting of the **CITY COUNCIL/REDEVELOPMENT AGENCY** has also been scheduled to meet today. A special docket will be issued for this meeting.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

01/29/2001

01/30/2001
01/30/2001 Special Meeting

SPECIAL ORDERS OF BUSINESS

ITEM-31: Zenola Maxie Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1119)

Commending Zenola Maxie for her service to the City of San Diego;

Proclaiming February 20, 2001 to be "Zenola Maxie Day" in San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the Mayor or the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental

Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107 and 108.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Hidden Trails Rezoning.

(RZ-89-0739. Otay Mesa Community Plan Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/6/2001. (Council voted 6-1. Councilmembers Peters, Wear, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea. Councilmember Stevens voted nay. Districts 6 and 8 vacant.):

(O-2001-111)

Rezoning 207.7 acres, located on the east side of Ocean View Hills Parkway between Del Sol Boulevard and Lyndhurst Terrace, in the Otay Mesa Community Plan area from the AR-1-1 zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] zones) to the RS-1-14, RM-2-5, OP-2-1 and AR-1-1 zones (previously referred to as the R1-5000, R-1500, OS, and A1-10 zones).

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: McMillin Torrey Highlands Rezoning.

(RZ-98-1177. Torrey Highlands Subarea IV Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/6/2001. (Council voted 7-0. Districts 6 and 8 vacant.):

(O-2001-110)

Rezoning 39.6 acres, located between the proposed street "A" and State Route 56 westerly of Camino Ruiz, in the Torrey Highlands Subarea IV Plan Area, from the AR-1-1 Zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] Zones) to the RS-1-14 Zone (previously referred to as the R1-5000 and HRO Zones).

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Approving the Revised Plans and Specifications and Inviting Bids for Friars Road/Mission Center Road Corridor Improvements.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-811 Cor. Copy)

Rejecting all bids received and opened on October 17, 2000, pursuant to publication of notice calling for bids on Friars Road/Mission Center Road Corridor Improvements;

Approving the revised plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Friars Road/Mission Center Road Corridor Improvements on Work Order No. 526690;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the reprogramming of \$15,000 from Fund No. 30300, CIP-59-002.0, Annual Allocation-Sidewalk Replacement, and \$10,000 from Fund No. 30305, Job Order No. 112832, Clairemont Gateway Signage/Landscaping, and \$91,000

from Fund No. 30300, CIP-52-656.0, Genesee Avenue Median Improvements, to CIP-52-669.0, Friars Road/Mission Center Road Landscaping and Road Improvements;

Authorizing the appropriation of \$86,900 from Fund No. 302456, "Mission Valley Community Fund," to CIP-52-669.0, Friars Road/Mission Center Road Landscaping and Road Improvements;

Authorizing the City Auditor and Comptroller to increase the Capital Improvement Program budget to increase the appropriation of \$96,900 to the FY2001 Capital Improvement Program for CIP-52-669.0, Friars Road/Mission Center Road Landscaping and Road Improvements;

Authorizing the additional expenditures of \$202,900 from CIP-52-669.0, Friars Road/Mission Center Road Landscaping and Road Improvements, \$106,000 from Fund No. 30300, \$10,000 from Fund No. 30305, and \$86,900 from Fund No. 302456 for the purpose of executing the construction contract for Friars Road/Mission Center Road Corridor Improvements and related expenses, and authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01018CA)

CITY MANAGER SUPPORTING INFORMATION:

The project consists of work in the Friars Road/Mission Center Road corridor including: landscaping and irrigation at the Friars Road/ Mission Center Road Intersection, completion of sidewalk along the Mission Center on-ramp to Friars Road, and construction of a decorative raised median on Mission Center Road. Bids were opened on 10/17/2000 for the project which included the base bid plus two bid alternatives. Seven bids were received and the low bid came from Geoscene in the amount of \$245,528.31 which was 15% over the engineer's estimate (excluding the bid alternate work). In addition, all of the bidders failed to meet the minimum requirements for the EOCP outreach program. Therefore, all bids should be rejected and the project re-bid. After an analysis of the bids received, it was determined that a re-bid of the project would not bring substantially lower prices and that additional funding would be required to complete the project. The additional funding identified will alleviate the shortfall and provide for construction of the bid alternatives work including the sidewalk on the Mission Center on-ramp and cobblestone median ends which is preferred by the community.

FISCAL IMPACT:

The amount of additional funding required is \$202,900. This funding is available from the following sources: a portion of the funds from the recent TransNet Allocation for Sidewalk Replacement (Resolution R-293796), from two previously completed projects (Genesee Medians and Clairemont Signs) within the District, and from the Mission Valley Community Fund (set aside for future Council District 6 projects). The total project cost is now \$527,679.

Loveland/Belock/PB

Aud. Cert. 2100833.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-101: Two actions related to the Final Map of Del Mar View.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1062)

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-2001-1061)

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 5.385 acre site into 19 lots for residential development. This proposed development is located northerly of Lansdale Drive at Hayford Way in the SF 1-A Zone of the Carmel Valley Community Plan Area. On July 9, 1991, the City Council of the City of San Diego approved Tentative Map No. 90-0928 for the Del Mar View project by Resolution No. R-278290. On May 7, 1998, the Planning Commission of the City of San Diego approved Resolution No. 2637-PC extending T.M. 90-0928. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28034-1-D through 28034-14-D, filed in the Office of the City Clerk under Micro No. 140.70. All improvements are to be completed within one year. This subdivision is subject to payment of Facilities Benefit Assessment fees at the time of Building Permit issuance. These fees provide funding for needed public facilities including contributions for regional transportation infrastructure. A Public Facilities Plan is in effect for the Carmel Valley Community which includes a Transportation Phasing Plan limiting development based upon specific thresholds. The Engineer's estimate for the cost of improvements is \$539,569 and a Permit Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,600, as determined by the surveyor's estimate, has been posted as surety for the setting of survey

monuments. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and the U.S. Department of Housing and Urban Development."

FISCAL IMPACT:

None.

Loveland/Haase/LH

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Couples San Diego Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1125)

Recognizing the 15th Anniversary of Couples San Diego and commending the organization for their commitment to empower and enrich the lives of gay and lesbian couples in San Diego;

Proclaiming February 17, 2001 to be "Couples San Diego Day" in San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: San Diego Museum of Art 75th Anniversary Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1139)

Recognizing the San Diego Museum of Art for its efforts in transforming lives through art, and heartily congratulating the Museum on the occasion of its 75th anniversary;

Proclaiming February 28, 2001 to be "San Diego Museum of Art 75th Anniversary Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-104: San Diego Wildfire Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1120)

Welcoming the San Diego WildFire and proclaiming February 8, 2001 to be "San Diego Wildfire Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-105: Presidio Park, El Charro Sculpture Restoration-Grant Application.

(Old San Diego. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1004)

Authorizing the City Manager or his designated representative to apply to the SOS! (Save Outdoor Sculpture!) for the Grant for the restoration of El Charro sculpture (Project);

Authorizing the City Manager or his designated representative to take all necessary actions to secure and accept the Grant;

Authorizing the City Manager or his designated representative to take all necessary actions to complete the Project, including conducting negotiations and executing and submitting applications, agreements, amendments and payment requests;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed

\$10,000 from Commission for Arts and Culture Arts Fund (Fund 10271) and \$28,200 from Park and Recreation Department matching funds account (Fund 10365), to Presidio Park - El Charro Sculpture project, contingent upon receipt of a fully executed grant agreement.

CITY MANAGER SUPPORTING INFORMATION:

The Save Outdoor Sculpture! (SOS) Heritage Preservation grant program provides grant funds to restore and preserve outdoor sculptures that are deteriorating and in need of repair. The El Charro was a gift to the United States from the President and people of Mexico in 1970 to commemorate the 200th anniversary of the founding of San Diego. The bronze equestrian sculpture located in historic Presidio Park is in very poor condition. If the grant funds are secured, it is the policy of SOS that all grant payments are made directly to the conservator. The San Diego Park and Recreation Department will oversee the restoration and approve the conservator's payment requests. Matching funds are available in the Park and Recreation Department Matching Funds Program and the Commission for Arts and Culture Art Fund. Funds will be paid to the conservator on a reimbursable basis.

FISCAL IMPACT:

If the \$38,200 grant is secured, \$10,000 from the Commission for Arts and Culture Arts Fund account, and \$28,200 from the Park and Recreation Matching Funds account will be used to complete the \$76,400 restoration project.

Loveland/McLatchy/CH

Aud. Cert. 2100824.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Seeking Authorization for \$25,000 SANDAG Transportation-Oriented Development Planning Funds.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1138)

Authorizing the application and execution of a SANDAG Transportation-Oriented Development Planning Grant for the Imperial Plaza Environs Project.

CITY MANAGER SUPPORTING INFORMATION:

Imperial Plaza Environs encompasses the intersection and surrounding area of Imperial Avenue, Commercial Avenue, Crosby Street, Ocean View Boulevard, and 25th Streets in the Southeastern Community Planning Area of the City of San Diego. The Environs area is a major arrival point to the historic neighborhoods of Sherman Heights, Grant Hill, and Logan Heights, and is a convergence point for pedestrians, automobiles, and trolleys. The creation of a Master Design Plan for the Imperial Plaza Environs Study Area Imperial Plaza Environs is an opportunity to guide the future growth of the Environs Area that integrates the preservation of the historic fabric of San Diego with urban enhancements, public improvements, and transportation-oriented development. The grant, supported by the City Manager, has been awarded to the City.

FISCAL IMPACT:

The City will receive \$25,000 for Imperial Plaza Environs Project.

Ewell/Goldberg/TM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-107: Amending the FY 2001 Capital Improvement Program Budget.

(Clairemont Mesa and Kearny Mesa Community Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1131)

Authorizing the City Auditor and Comptroller to add the following projects to the FY 2001 Capital Improvements Program Budget:

CIP-29-467.0, East Clairemont Athletic Field - Senior Field Renovation

CIP-29-468.0, North Clairemont Community Park Recreation Center Tot Lot - ADA Upgrade

CIP-29-469.0, Lindbergh Neighborhood Park - Comfort Station ADA Upgrade

CIP-29-470.0, Lindbergh Neighborhood Park Tot Lot - Upgrade and Expansion

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$540,850 (\$403,850 from State Park Trailer Bill, Fund Nos. 38109 and 38113; \$6,000 from Community Development Block Grant, Fund No. 18536; and \$131,000 from Clairemont Mesa Development Impact Fee, Fund No. 79521) for use of the following projects:

CIP-29-467.0, East Clairemont Athletic Field - Senior Field Renovation (\$246,250)

CIP-29-468.0, North Clairemont Community Park Recreation Center Tot Lot - ADA Upgrade (\$50,000)

CIP-29-469.0, Lindbergh Neighborhood Park - Comfort Station ADA Upgrade (\$87,000)

CIP-29-470.0, Lindbergh Neighborhood Park Tot Lot - Upgrade and Expansion (\$157,600)

CITY MANAGER SUPPORTING INFORMATION:

East Clairemont Athletic Field/Senior Field Renovation - This project will provide for turfing and irrigation of the Balboa Senior Ballfield. This includes preparation of existing soil, installation of an irrigation system, and hydro-seeding to provide for a turfed playing field.

North Clairemont Community Park Recreation Center Tot Lot - ADA Upgrade - This project will provide for disabled accessibility at the older children's tot lot facility. This will consist of providing wheelchair ramping and accessible surfacing within the play area, including renovation of older play equipment and installation of new equipment that meets federal accessibility guidelines and expands the use for new residents.

Lindbergh Neighborhood Park - Comfort Station ADA Upgrade - This project will provide for modifications to the existing comfort station to meet new Americans with Disabilities Act (ADA) requirements.

Lindbergh Neighborhood Park - Tot Lot Upgrade and Expansion - This project will provide for the expansion of the existing tot lot, to accommodate 2-5 year old users on one side and 5-12 year old users on the other side. Play equipment and access will be upgraded for disabled users and to meet state and federal safety and accessibility guidelines.

Annual Maintenance: There will be no significant increase in maintenance costs resulting from these projects.

FISCAL IMPACT:

Funds in the amount of \$540,850 is available from State Park Trailer Bill (\$403,850), Fund Nos.

38109 and 38113, from Community Development Block Grant (\$6,000) Fund No. 18536, and from Clairemont Mesa Development Impact Fee (\$131,000), Fund No. 79521 for these projects.

Loveland/McLatchy/DVW

Aud. Cert. 2100848.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-108: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1055)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Time Limit Parking on Point Loma Avenue.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1115)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Point Loma Avenue between Ebers Street and Sunset Cliffs Boulevard;

Authorizing the installation of the necessary signs and markings; declaring that

the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Point Loma Avenue between Ebers Street and Sunset Cliffs Boulevard. Council approval is required according to Municipal Code Section 86.04. Recent studies indicate that this segment of Point Loma Avenue is impacted by long term parking. The average parking occupancy is 71.5%, the average parking duration is 1.8 hours, and the average turnover is 3.8 parkers per space. A petition representing 100% of the affected properties was submitted in support of this action and the Peninsula planning group supports this action. Council Policy 200-4 states that a minimum of three hours should be required in order to consider the proposed time limit. While the subject location fails to meet the criteria established in Council Policy 200-4, there is substantial community support for this action. For that reason, we recommend approval of the proposed time limit parking.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division operating fund for this purpose.

Loveland/Gonzalez/AH

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-201: Amending FY 2001 Capital Improvements Program Budget - Capehart Open Space Park Improvements.

(Pacific Beach Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1130)

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$24,000 from Community Development Block Grant Funds (CDBG) Fund 18536, to CIP-29-532.0, Capehart Open Space Park - Improvements, for use on the project to improve and enclose a portion of Capehart Open Space Park for a leash-free dog park;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000 from Capital Outlay, Fund No. 30245, for use on CIP-29-532.0, Capehart Open Space Park - Improvements.

CITY MANAGER SUPPORTING INFORMATION:

The Capehart Open Space Park is located at the northwest corner of Felspar Street and Soledad Mountain Road in the Pacific Beach Community Planning Area. This project has been proposed by an application to improve open space from the San Diego Dog Owners Group (D.O.G.) and entails improving and enclosing a portion of the existing open space area as a leash-free dog park. Initially, a consultant would be hired to conduct public meetings for input on the design criteria for the park, prepare a proposed General Development Plan (GDP), prepare a cost estimate for the project, and take the project through the Park and Recreation Department's approval process. When additional funds are identified, the consultant's agreement would be amended to prepare the appropriate construction documents to implement the work.

FISCAL IMPACT:

Funds are available in the amount of \$24,000 from Community Development Block Grant, Fund No. 18536, for the initial design work, and \$100,000 from Capital Outlay, Fund No. 30245, towards the initial phase of construction for the project.

Loveland/McLatchy/DVW

Aud. Cert. 2100854.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-202: Funding for Third Amendment to Sverdrup Civil, Inc. Agreement for Services to East Village Infrastructure.

(Centre City Redevelopment Project. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1133)

Authorizing the appropriation and transfer of an amount not to exceed \$6,535,000 from Capital Outlay Fund 30245 to Ballpark Infrastructure Fund 10291, to fund continued expenses associated with public infrastructure improvement for the East Village Infrastructure Project, provided that the City Auditor and Comptroller first

furnishes a certificate demonstrating that funds are, or will be, available in the City Treasury;

Authorizing the appropriation and expenditure of an amount not to exceed \$6,535,000 from Ballpark Infrastructure Fund 10291, to fund continued expenses associated with public infrastructure improvement for the Project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds are, or will be, available in the City Treasury;

Authorizing the City Manager to execute a Third Amendment to the Agreement with Sverdrup Civil Inc., to continue design and construction management services for the public infrastructure improvements in the East Village Redevelopment area through June 2001, in the amount of \$5,545,000, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds are, or will be, available in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On December 14, 1999, the City Council authorized the City Manager to execute a phase-funded agreement with Sverdrup Civil, Inc. for Design/Construction Management Services for the East Village Redevelopment Infrastructure Project. The contract between Sverdrup Civil, Inc. and the City of San Diego provides for water and sewer improvements, street improvements including landscaping, sidewalks, street lights, traffic signals, signage, and irrigation in the East Village Redevelopment area. It also provides for development of surface parking, the new Park Boulevard between 12th Avenue and Harbor Drive, the Library Circle, and an upgraded storm drainage system. Additionally, the agreement allows for street realignment, intersection work, and railroad realignment and railroad crossing gates, and the extension of the Martin Luther King Promenade between 7th Avenue and the new Park Boulevard. The streets affected include 7th Avenue, 10th Avenue, 11th Avenue, J Street, K Street, Imperial and the new Frontage Road and Park Boulevard diagonal.

At the time of the initial contract authorization, the City Council approved expenditure of \$6,390,000 for Phase 1 of the contract. To continue the project and remain on schedule, the City Council authorized the expenditure of an additional \$3,800,000 for Sverdrup Civil, Inc. for Phase 2 of the contract on June 27, 2000. In October 2000, the City Council approved advancement of \$700,000 for Phase 3 of the contract.

Currently, the improvements have progressed to the point of installing the deep utility work in the public right-of-way. There are several redevelopment efforts underway in the East Village area of downtown. Public access is critical to the new development which includes the Westin Hotel, an office campus, and a residential tower located between Island and J Streets, 8th and 9th Avenues. Additionally, ingress and egress routes for the newly expanded Convention Center are vital to its function. In order to provide public access to the new development in the area, it is necessary to continue the infrastructure work. Approval of this action would provide additional funding (Phase 4A of funding) for the Sverdrup Civil, Inc. contract, through a Third Amendment

to the contract, to continue design and construction services for the public infrastructure improvements in the East Village Redevelopment area through June 2001. Specifically, the work that would be completed is the installation of water mains, storm drain mains and detention structures in the public right-of-way and the rough grading for Park Blvd. and Frontage Road. The streets involved are 7th Avenue, Frontage Road, Park Boulevard and Imperial Avenue. Additionally, funding would be provided for City Forces expenses related to the design and construction, and insurance premiums associated with the infrastructure project.

FISCAL IMPACT:

\$6,535,000 will be funded through Fund 10291. Of this amount, \$5,545,000 will be allocated to the Sverdrup Civil, Inc. contract for design and construction services. The remainder will be utilized for City forces and the Owner Controlled Insurance Program (OCIP).

Herring/El-Gage/LC

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-203: Fourth Amendment to the Agreement with Sverdrup Civil, Inc., for Phase II of Centre City Sewer Improvements.

(Centre City Redevelopment Project Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1134)

Authorizing the City Manager to execute a Fourth Amendment to the Agreement with Sverdrup Civil Inc., for Phase II of Centre City Sewer Improvements, in the amount of \$1,308,100;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,440,600 from Fund 41506, CIP-40-927.0, Centre City Improvements, of which \$1,308,100 will fund the Fourth Amendment to the Agreement, with \$132,500 funding project related costs.

CITY MANAGER SUPPORTING INFORMATION:

On December 14, 1999, the City Council authorized the City Manager to execute a phase-funded agreement with Sverdrup Civil, Inc. for Design/Construction Management services for the East Village Redevelopment Infrastructure Project. At this time, City Council approved expenditure

of \$6,390,000 for Phase 1 of the contract. To continue the project and remain on schedule, the City Council authorized the expenditure of an additional \$3,800,000 for Sverdrup Civil, Inc. for Phase 2 of the contract on June 27, 2000. In October 2000, the City Council approved advancement of \$700,000 for Phase 3 of the contract. Concurrent with this proposed action, an action seeking approval of Phase 4A of funding is being forwarded for the Council's consideration. This proposed action would provide Phase 4B of funding for the second phase of sewer improvements in the Centre City area of downtown. Centre City Sewer Improvements - Phase II will install approximately 1800 feet of 12 inch sewer mains, including a 400 foot tunnel under the railroad tracks at Harbor Drive and Park Boulevard. This work will be conducted in conjunction with other East Village Redevelopment infrastructure activities being performed by the City. The Metropolitan Wastewater Department saw the East Village Redevelopment Infrastructure construction as an opportunity to more efficiently move an existing deteriorated and undersized sewer main from an existing easement to the right-of-way. The work was previously programmed for downtown from the Annual Allocation Capital Improvement Project (part of Group Job 539) and has been moved up to be conducted in conjunction with other downtown wet utility work for efficiency. Typically, the Metropolitan Wastewater Department prefers to move easement mains to the right-of-way to allow better access to the system components for maintenance purposes.

The Fourth Amendment to the contract between Sverdrup Civil, Inc. and the City of San Diego accounts for this work.

FISCAL IMPACT:

Funding was previously allocated for this purpose from Sewer Fund 41506, CIP-40-927.0, Centre City Sewer Improvements. Total expense is \$1,440,600, including \$1,308,100 for the design and construction and fees allocated to the Sverdrup contract, and \$132,500 for project-related costs.

Herring/Monroe/LC

Aud. Cert. 2100849.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-204: Ratification, Validation, or Readoption of Resolution R-292440 related to the Disposition and Development Agreement Regarding the Proposed Westin Hotel.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1150)

Readopting, validating or ratifying as necessary to reaffirm the validity of Resolution R-292440, and the validity of the contracts and agreements authorized by it, commencing with the respective time of adoption, and to effectuate the continuing validity, and the continuing validity of the contracts and agreements;

Ratifying, validating and approving all actions of the City, its officers, employees or agents implementing or in furtherance of Resolution R-292440 so as to declare the validity commencing with the respective time of adoption, and to effectuate their continuing validity;

Declaring that it is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Declaring that consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including, but not limited to, hotel rooms, transient occupancy taxes and the investment from the Unified Port District) and any other matter which may affect the City's financing not only of the Project but of any other current or future City project;

Authorizing and directing the City Manager, City Attorney, City Clerk and City Auditor and Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this resolution.

NOTE: See the Redevelopment Agency Agenda of February 20, 2001 for a companion item.

SUPPORTING INFORMATION:

As directed by the City Council, the ratification and validation of certain Agency and City resolutions were continued until March 6, 2001. One of the actions to be ratified and validated is the resolution approving a Disposition and Development Agreement regarding the proposed Westin Hotel. While the Hotel is an obligation of Padres L.P. pursuant to the MOU, it is a stand alone project that will proceed whether the ballpark is delayed or canceled, and is desperately needed to serve the expanded Convention Center. Financing of the Hotel is scheduled to close prior to March 6, 2001. It is therefore requested, to facilitate the timely closing of the Hotel's financing, to ratify and validate the Agreement prior to March 6, 2001.

Girard

PUBLIC NOTICES:

Item is listed under Public Notice as a matter of public record only. This item does not require Council action.

ITEM-250: Settlement of the Claim of Taylor Ball.

(R-2001-1094)

Adopted as Resolution R-294499.

A Resolution approved by the City Council in Closed Session on Tuesday, January 30, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-Vacant; Madaffer-yea; District 8-Vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$98,000 in the settlement of each and every claim against the City, its agents and employees, resulting from damage to Taylor Ball of California;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$98,000 made payable to Taylor Ball, in full settlement of all claims;

Declaring that the settlement is payable as follows: \$98,000 from the Carmel Valley Facilities Benefits Assessment Fund No. 30244/79002.

Aud. Cert. 2100843.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Kasai Mondeck Property.

Matter of approving, conditionally approving, modifying or denying a Rezone/Tentative Map (TM)/Planned Residential Development (PRD)/Resource Protection Ordinance (RPO) to develop fifty-seven detached and twelve attached single family units on approximately thirty-eight acres south of proposed State Route 56 and west of Caminito Mendiola in the Pacific Highlands Ranch Subarea III Plan, with an option to develop sixty-two detached single family units on the site and the twelve attached apartments at another location offsite.

(TM/PRD/RPO-99-1088. Pacific Highlands Ranch Subarea III Community Plan

area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem B; adopt the resolution in subitem C to grant the map; adopt the resolution in subitem D to grant the permit; and introduce the ordinance in subitem A:

Subitem-A: (O-2001-118)

Introduction of an Ordinance changing 38.3 acres, located south of proposed State Route 56 and west of Caminito Mendiola in the Pacific Highlands Ranch Subarea III Plan area, from the AR-1-1 zone (previously referred to as the A-1-10 zone) to the RX-1-2 zone.

Subitem-B: (R-2001-1127)

Adoption of a Resolution certifying that pursuant to California Public Resources Code section 21157.1 and California Code of Regulations section 15177, the City Council finds that the Kasai Mondeck Property project is a subsequent project within the scope of Master Environmental Impact Report No. 96-7918, that no additional significant environmental effect will result from the proposal, and that no new additional mitigation measures or alternative may be required;

Certifying that the information contained in Findings to a Master Environmental Impact Report LDR-99-1088 (Findings to EIR No. 96-7918 [MEIR SCH No. 97111077]), has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the development of the Kasai Mondeck property;

Pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-C: (R-2001-)

Adoption of a Resolution granting or denying Tentative Map No. 99-1088, with appropriate findings to support Council action.

Subitem-D: (R-2001-)

Adoption of a Resolution granting or denying Planned Residential Development/Resource Protection Ordinance Permit No. 99-1088, with appropriate findings to support Council action. ITEM-330: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on January 25, 2001, voted 4 - 0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing; was opposition.

Ayes: Butler, Garcia, Steele, Stryker
Not present: Anderson, Brown, Skorepa

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

Kasai Mondeck Property proposes a rezone from A-1-10 (AR-1-1) to RX-1-2 (Residential), subdivision of a 38.3 acre site to develop fifty-seven detached single family units and twelve attached apartments, with an option to develop sixty-two detached single family units on-site and twelve attached apartments at an offsite location by means of a Rezone/Tentative Map/Planned Residential Development/Resource Protection Ordinance Permit.

There is no officially recognized community planning group for this area. The Carmel Valley Community Planning Group, the adjacent community, voted 12:0:0 on January 9, 2001, to recommend as follows: "If the trail is to be relocated to run along Carmel Valley Road, Rancho Santa Fe Farms Road and public Street "A," it must be formulated as an expanded landscaped parkway with setbacks and easements, allowing it to wind through the community."

The Planning Commission voted 4:0:0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing.

City Staff recommends certification of the Findings to Master Environmental Impact Report LDR-99-1088; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the Findings; and adoption of the rezone ordinance, approval of the Tentative Map; and Planned Residential Development/Resource Protection Ordinance Permit 99-1088 with the conditions contained in the draft Tentative Map resolution and draft permit.

FISCAL IMPACT:

None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located in the Pacific Highlands Ranch, Subarea III, of the North City Future Urbanizing Area (NCFUA), just west and north of Caminito Mendiola and would be accessed by proposed public Street "A." The western portion of the project site would be bordered by SR-56 which runs northeast/southwest. The project site is more particularly described as Parcels A & B of Map No. 12337.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Barczewski Property.

Matter of approving, conditionally approving, modifying or denying the Street Vacation/Rezone/TM/PRD/RPO to develop 100 detached single-family units and 32 multi-family apartments on 26 acres, with an option to develop 110 detached single-family units on the site and the 31 multi-family affordable apartments at another location offsite, located at 6559 Black Mountain Road in the Pacific Highlands Ranch Subarea III Plan.

(Street Vacation/Rezone/TM/PRD/RPO-99-1087. Pacific Highlands Ranch Subarea Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem C to grant the map and the street vacation; adopt the resolution in subitem D to grant the permit; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-1126)

Adoption of a Resolution that it is certifying that Findings to a Master Environmental Impact Report-99-1087 (Findings to EIR-96-7918 [MEIR SCH - 97111077]) has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the development of the Barczewski property; that pursuant to California Public Resources Code Section 21081.6, the City Council adopts the

Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B: (O-2001-117)

Introduction of an Ordinance changing 26.3 acres, located at 6559 Black Mountain Road South and north of proposed State Route 56 and east and west of Rancho Santa Fe Farms Road, in the Pacific Highlands Ranch Subarea III Plan area, from the AR-1-1 Zone (previously referred to as the A-1-10 Zone) to the RX-1-2 Zone, as defined by San Diego Municipal Code Section 131.0404; and Repealing Ordinance O-9030 (New Series), Adopted June 4, 1964, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2001-)

Adoption of a Resolution granting or denying the Tentative Map, including the Vacation of a portion of Rancho Santa Fe Farms Road.

Subitem-D: (R-2001-)

Adoption of a Resolution granting or denying Planned Residential Development/Resource Protection Ordinance Permit 99-1087.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve; was opposition.

Ayes: Garcia, Butler, Stryker, Steele

Not present: Anderson, Brown, Skorepa

The Planning Commission voted 4:0:0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing.

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

Barczewski Property proposes a street vacation of a portion of Rancho Santa Fe Farms Road, rezone from A-1-10(AR-1-1) to RX-1-2 (Residential), subdivision of a 26.3 acre site to develop 100 detached single family units and thirty-two multi-family apartments, with an option to develop 110 detached single family units on-site and thirty-one multi-family affordable apartments at an offsite location by means of a Street Vacation/Rezone/Tentative Map/Planned Residential Development/Resource Protection Ordinance Permit. There is no officially

recognized community planning group for this area. The Carmel Valley Community Planning Group, the adjacent community, voted 12:0:0 on January 9, 2001, to recommend: "If the trail is to be relocated to run along Carmel Valley Road, Rancho Santa Fe Farms Road and public Street "A", it must be formulated as an expanded landscaped parkway with setbacks and easements, allowing it to wind through the community". The Planning Commission voted 4:0:0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing. City staff recommends certification of the Findings to Master Environmental Impact Report LDR-99-1087; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the Findings; adoption of the rezone ordinance, approval of the Street Vacation, Tentative Map, and Planned Residential Development/Resource Protection Ordinance Permit 99-1087 with the conditions contained in the draft Tentative Map resolution and draft permit.

FISCAL IMPACT:

None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

LEGAL DESCRIPTION:

The project is located in the Pacific Highlands Ranch Community Subarea III, of the North City Future Urbanizing Area (NCFUA), just west of the existing Black Mountain Road and is more particularly described as Parcel 1 of Map No. 12337.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Two actions related to Proposed Conditional Use Permit CUP-40-0925 - Palm Village.

(See memorandum dated 2/2/2001 from Centre City Development Corporation. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the resolution in Subitem A; adopt the resolution in Subitem B to grant the Permit:

Subitem-A: (R-2001-1128)

Certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City

Redevelopment Project, and the secondary study with respect to Conditional Use Permit CUP-40-0925, and making certain findings and determinations regarding environmental impacts of the development.

Subitem-B: (R-2001-)

Granting or denying Conditional Use Permit CUP-40-0925 for the development of Palm Village, a 280 unit “Living Unit” project including reduction of parking requirements and modification of rent restrictions.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT